

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q93540

Shinji NAKADE, et al.

Appln. No.: 10/569,831

Group Art Unit: 1625

Confirmation No.: 8160

Examiner: Zinna Northington Davis

Filed: February 28, 2006

For: COMPOUND CAPABLE OF BINDING S1P RECEPTOR AND PHARMACEUTICAL
USE THEREOF

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This responds to the Restriction Requirement, dated February 25, 2009, this response is timely filed on March 20, 2009.

In response to the Restriction Requirement, Applicant elects Group I, claims 1-39 for examination. This election is made without traverse.

Applicant requests that the Examiner consider rejoinder, and Applicant reserves the right to file a Divisional Application directed to non-elected claims 40 and 41.

This responds to the Election of Species Requirement, dated February 25, 2009. The Examiner believes there are no generic claims. Applicant has been advised that a response to this requirement shall include an identification of the species that is elected and a listing of all claims readable thereon.

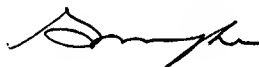
In response to the Examiner's requirement, Applicant elects the compound of formula (I-S-7a), specifically, 1- {[1-methyl-6-(4-phenylbutoxy)-3, 4-dihydro-2-naphthalenyl]methyl}-3-azetidinecarboxylic acid described in Example 29(3). Claims readable from the elected species are claims 1-3, 5, 6, 9, 11-16, 22, 25, 27-35, and 37-39.

Applicant submits that if any of the elected claims is found to be allowable, claims dependent therefrom should similarly be considered allowable in the same application.

Applicant reserves the right to file a Divisional Application directed to the non-elected subject matter.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: March 20, 2009